

MEMORANDUM FOR: Legislative Counsel
SUBJECT: S. 1094, A Bill to Amend Section 402 of the
Federal Employees Uniform Allowance Act

1. S. 1094, a Bill to amend Section 402 of the Federal
Employees Uniform Allowance Act, will remove the limitation on
uniform allowances contained in Public Law 763, 83rd Congress,
which requires that the employee be required by law or regula-
tion in effect as of 1 September 1954 to wear a uniform.

2. We believe this liberalization is desirable and recom-
mend that the Agency support this proposal.

STATINTL


Harrison G. Reynolds
Director of Personnel

COMPLETE

DATE

LEGISLATIVE BILL NO.

S-1001

HR 3948

NOTICE OF PENDING LEGISLATION

SECTION I

GENERAL

TO :

FROM: LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:

SENT TO YOU FOR INFORMATION ONLY.

A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION IS IS NOT PREDICTED.

SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.

[IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY]

SECTION II

COMMENTS (From Original Addressee)

TO : LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

FROM:

13 February 1955

Mr. Johnston of South Carolina

A bill to amend section 402 of the Federal Employees Uniform Allowance Act, approved September 1, 1954.

Distribution:

25X1

24-3-61

Sub Rpt 222
Passed Apr 28 1955
Passed House
2 May 55

1 - Adm Negotiations
1 - Comptroller
1 - AD/P

Recalled for Pres

PL 37/84 Rept as above

H Rpt 438

26 May 55

HR 3948
Laid on the table +
S 1094 passed in lieu

DATE OF COMMENTS

SIGNATURE AND TITLE

Approved For Release 2002/08/29 : CIA-RDP59-00224A000200030001-0

EXTENSION

Public Law 37 - 84th Congress
Chapter 40 - 1st Session
S. 1094

AN ACT

All 69 Stat. 49.

To amend section 402 of the Federal Employees Uniform Allowance Act, approved
September 1, 1954.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 402 of
the Federal Employees Uniform Allowance Act, approved September
1, 1954 (68 Stat. 1114), is amended by striking from the first sentence ⁵ USC 2131.
thereof the words "existing on the date of enactment of this Act".*

Approved May 13, 1955.

84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 438

UNIFORM ALLOWANCES

APRIL 25, 1955.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DOWDY, from the Committee on Post Office and Civil Service, submitted the following

R E P O R T

[To accompany H. R. 3948]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 3948) to amend section 402 of the Federal Employees Uniform Allowance Act, approved September 1, 1954, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and substitute the language printed in italic in the reported bill.

STATEMENT

The purpose of this legislation is, first, to remove an inequity in the Federal Employees Uniform Allowance Act by permitting such act to apply to employees who are in the future required by law or regulation to wear uniforms; and, second, to provide for more control of its administration through a system of annual reports to Congress and through itemized budget requests for appropriations.

CORRECTION OF INEQUITY

Title IV of Public Law 763, 83d Congress, authorized the appropriation of funds for the purpose of either furnishing uniforms or paying allowances therefor to all employees who were required by law or regulations on the date of enactment (September 1, 1954) to wear uniforms in the performance of their duties. It also required that the head of any agency to which any such appropriation is made shall (1) furnish to each such employee such uniform at a cost not to exceed \$100 per annum; (2) pay to each such employee an allowance for defraying the expenses of acquisition of such uniform at such times

and in such amounts, not to exceed \$100 per annum, as may be prescribed in accordance with rules and regulations promulgated pursuant to section 404.

By establishing the date of enactment of the act (September 1, 1954) as the period of identification of the categories of employees who would be eligible to either be furnished uniforms or be paid an allowance therefor, the law limited the benefit to those then required by regulation or law to wear uniforms. Either through administrative oversight, or through adherence to verbal orders, custom, or habit some 25,000 employees were wearing uniforms who could not qualify to either be furnished the uniform or be paid an allowance under the act.

The bill as amended eliminates the language "existing on the date of enactment of this Act" in section 402. This action allows the agency to request appropriations for and to either furnish uniforms or pay an allowance therefor to this group of employees who were excluded under the terms of the act as passed.

CLARIFYING AND STRENGTHENING AMENDMENTS

In its consideration of this action the committee determined that it not only corrected the inequity but that it also opened the act to possible abuse through allowing the agency, within available funds, to furnish or pay an allowance for uniforms to categories of employees not normally wearing uniforms by merely issuing a regulation requiring their use. To prevent this abuse and to clarify and strengthen the control of Congress, the committee recommends further amendments.

IDENTIFICATION OF CATEGORIES AND COSTS

The first of these authorizes appropriations by "category and amounts specifically set forth." It is the intent of the committee in recommending this amendment to require the agencies to submit requests for appropriations for uniforms itemized by number, category, and amount. This will allow the Congress to closely scrutinize the requests and to guard against unwarranted expansion in the use of uniforms.

\$100 PER ANNUM LIMITATION

The second clarifying amendment deals with the \$100 annual limitation per employee. An interpretation of the provisions of section 402 of Public Law 763 would allow expenditures per uniform in an amount not to exceed \$100 per annum. Thus 1 employee who required 2 or more uniforms could be reimbursed in excess of \$100 per annum. This was not the intent of the committee in recommending passage of the bill which resulted in Public Law 763. To correct this, the recommended amendment makes the \$100 limitation apply to the aggregate cost of all uniforms furnished or to the allowances made to the individual employee. It is the intent of this new language to limit the cost of uniforms to the Government to a maximum of \$100 per employee per annum regardless of the number of uniforms required by the employee.

NEW REGULATIONS

In order to protect both the employee and the Government from possible abuse of the authority to issue new regulations requiring the wearing of uniforms, the committee recommends language which provides that any such regulations issued after July 1, 1955, shall not be mandatory on the employee unless the employee is furnished uniforms or an allowance made therefor. This provision is contained in a new subsection 402 (b). This language, when considered with the provisions of section 401 (a), would prevent the uniforming of additional categories of Federal employees without first securing the approval of Congress.

REPORT TO CONGRESS

The committee has included an amendment (sec. 402 (e)) which requires an annual report to the Post Office and Civil Service Committees of the House and Senate, respectively. This report is to be submitted on or before February 1 of each year and is to cover the administration of the act in the previous calendar year together with a statement setting forth the number, category, and estimated cost of uniforms for which the agency proposes to request funds for the ensuing fiscal year. The committee feels that such a report is desirable and necessary to the Congress in its consideration of legislation pertaining to uniform allowances.

TYPE AND SOURCE OF REGULATIONS

During the course of its hearings on this bill (H. R. 3948) it became evident to the committee that the definition of, or the type of "regulations" required by the act, was not being uniformly interpreted by the agencies concerned. The committee recommends that only such regulations as are issued in writing and bear the approval of the department or agency head be considered as meeting the requirements of the act. The committee does not wish to preclude a delegation of authority for the issuance of regulations, but feels that such delegation to a bureau head or to the commander of an installation would lend itself to personal abuses.

COST

The provisions of this bill as reported will add no cost to the Uniform Allowance Act of 1954 inasmuch as the cost of the uniforms authorized had already been included in the estimated cost of that act. On the contrary, this bill should result in reduced costs on a long-term basis because of the provisions which will allow Congress more control over future authorizations or requirements for the wearing of uniforms.

REQUEST FOR LEGISLATION

The executive communication requesting the amendment to Public Law 763 follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., February 3, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives,
Washington 25, D. C.

MY DEAR MR. SPEAKER: Enclosed is a draft bill which would amend the Federal Employees Uniform Allowance Act (title IV of Public Law 763, 83d Cong.) to make its benefits potentially available to employees who may be required to wear uniforms under regulations issued after September 1, 1954. I respectfully urge early enactment of the proposed amendment.

Section 404 of Public Law 763 requires the Director of the Bureau of the Budget to promulgate such rules and regulations as may be necessary to provide for uniform administration of title IV. We find, however, that serious inequities among Federal employees will arise if benefits should be initiated under the existing provisions of the law governing eligibility.

Section 402 of the act authorizes appropriations, where necessary and desirable, to pay benefits not exceeding \$100 per annum to any employee who is required by regulations "existing on the date of enactment" of the act or by law to wear a prescribed uniform when on official duty. In some agencies, certain employees, such as guards, fire fighters, and nurses, wear uniforms solely as a matter of custom or tradition, or under oral instruction. Such employees are not eligible for benefits, whereas employees in the same occupations in other agencies are eligible because the wearing of uniforms is prescribed by regulations "existing on the date of enactment" of the act.

I believe the law should be amended to permit agency heads to issue regulations covering, for purposes of the act, employees in any occupations where the wearing of uniforms is deemed necessary and desirable.

A more complete explanation of the need for the proposed amendment is enclosed. Since Congress has not yet made appropriations available for paying benefits, prompt amendment of the act would avoid the inequities among uniformed employees which otherwise would arise when benefits are initiated.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Acting Director.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

TITLE IV—UNIFORM ALLOWANCES

SEC. 401. This title may be cited as the "Federal Employees Uniform Allowance Act".

SEC. 402. There is hereby authorized to be appropriated annually to each agency of the Government of the United States or of the District of Columbia (including Government-owned corporations), upon a showing of the necessity or desirability thereof, an amount not to exceed \$100 multiplied by the number of the employees of such agency who are required by regulation [existing on the date of enactment of this Act] or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform. The head of any agency to which any such appropriation is made shall, out of funds made available by such appropriation, (1) furnish to each such employee such uniform at a cost not to exceed \$100 per annum, or (2) pay to each such employee an allowance for defraying the expenses of acquisition of such uniform at such times and in such amounts, not to exceed \$100 per annum, as may be prescribed in accordance with rules and regulations promulgated pursuant to section 404. Where the furnishing of a uniform or the payment of a uniform allowance is authorized under any other provision of law or regulation existing on the date of enactment of this Act, the head of the agency may in his discretion continue the furnishing of such uniform or the payment of such allowance under such law or regulation, but where a uniform is furnished or allowance paid under any such law or regulation no uniform shall be furnished or allowance paid under this section.

Calendar No. 226

84TH CONGRESS
1st Session }

SENATE

{ REPORT
No. 222

AMENDING SECTION 402 OF THE FEDERAL EMPLOYEES UNIFORM ALLOWANCE ACT, APPROVED SEPTEMBER 1, 1954

APRIL 25, 1955.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office
and Civil Service, submitted the following

R E P O R T

[To accompany S. 1094]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1094) to amend section 402 of the Federal Employees Uniform Allowance Act, approved September 1, 1954, having considered the same, report favorably thereon and recommend that the bill do pass.

PURPOSE

S. 1094 makes a technical correction in the Federal Employees Uniform Allowance Act, approved September 1, 1954, so that it can be equitably administered.

BACKGROUND

The act does not extend benefits to any employee or group of employees on an automatic basis. It merely authorizes appropriations, upon a showing by a department or agency, of the necessity or desirability thereof, to pay allowances of not to exceed \$100 per annum, to employees who were required by regulations existing on the date of enactment of the act, or by law, to wear a prescribed uniform. The Bureau of the Budget is directed by the act to promulgate such rules and regulations as may be necessary to provide for the equitable and consistent administration of the act.

The Bureau of the Budget has found that serious inequities among Federal employees will arise if benefits should be initiated under existing provisions limiting eligibility to employees who were required by regulations "existing on the date of enactment" of the act, to wear a prescribed uniform when on official duty. For this reason early enactment of S. 1094, which would strike out the quoted language and thus make the benefits of the act potentially available to all employees

2 AMEND THE FEDERAL EMPLOYEES UNIFORM ALLOWANCE ACT

who are required by law or regulation to wear prescribed uniforms in the performance of their official duties is necessary to avoid inequities among uniformed employees which otherwise would arise when benefits are initiated.

PROBLEM

In some agencies, certain employees wear uniforms solely as a matter of custom or tradition, while in other agencies, the same types of employees wear uniforms by reason of regulations that were in effect on "the date of enactment" of the act. Thus, employees in the former category are excluded from consideration for benefits, and they cannot be made potentially eligible through administrative action because of the provision that regulations prescribing the wearing of the uniform must have existed "on the date of enactment" of the act. Following are a few examples:

1. Nurses in the Veterans' Administration wear uniforms pursuant to regulations in effect on the "effective date" of the act, so are potentially eligible for the benefits; but nurses in at least seven other agencies would not be eligible because they wear uniforms as a matter of custom and not pursuant to regulation.
2. Guards in the Army would be eligible, but guards in the Navy and Air Force would not be eligible.
3. Firemen in the Navy would be eligible but those in the Army and Air Force would not.

ADMINISTRATION OF THE ACT

As directed by section 404 of the act, the Bureau of the Budget prescribed initial rules and regulations on November 12, 1954, to provide for uniform administration of title IV thereof, which deals with the furnishing of uniforms and the payment of allowances. Among other things, the rules and regulations provide:

(a) That where the furnishing of uniforms or the payment of uniform allowances to certain employees is authorized under any other provision of law existing on September 1, 1954, the agency head, in his discretion, may continue to furnish such uniforms or to pay such allowances under the prior authorization, but in that case, no uniforms shall be furnished or allowances paid to the same employees under title IV.

(b) That each agency head shall review the regulations of his agency, existing on September 1, 1954, which require that a uniform be worn by any employee when on official duty, to determine whether it is in the best interest of the Government, and shall revoke any regulation deemed to be unnecessary or unjustifiable.

(c) That when the wearing of a uniform continues to be required by regulation or by law, the agency head shall determine, for each group of employees subject to the same uniform requirements, whether the best interests of the agency will be served by furnishing uniforms under title IV; by paying uniform allowances under title IV; or by continuing to furnish uniforms or to pay uniform allowances under prior authorization. In making such determinations, the agency head shall consider, with respect to the various alternatives, (1) the comparative cost to the Government, including administrative expenses; and (2) the comparative advantages to the employees. The course elected shall be justified in the agencies budget estimates.

AMEND THE FEDERAL EMPLOYEES UNIFORM ALLOWANCE ACT 3

(d) That the authorization to furnish uniforms or to pay uniform allowances under title IV shall be put into effect for all eligible employees on the date that appropriations therefor are made available by Congress, and no benefits shall accrue prior to that date.

(e) That the annual period to which the \$100 limitation per employee applies shall begin with the date on which the employee first becomes eligible.

(f) That in order that uniform allowances may, insofar as possible, approximate the actual expenses of employees for acquisition of uniforms, each agency shall develop standards for each group of employees subject to the same uniform requirements. Such standards (1) shall be based on a determination of the average annual uniform requirements of the employee and the current prices of the representative supplies; and (2) shall provide for an annual allowance of a definite sum, not exceeding \$100, to each eligible employee. Prices on which the cost is based shall be reviewed annually, and the standards adjusted to reflect charges.

AGENCY REPORT

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., February 3, 1955.

Hon. RICHARD M. NIXON,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Enclosed is a draft bill which would amend the Federal Employees Uniform Allowance Act (title IV of Public Law 763, 83d Cong.) to make its benefits potentially available to employees who may be required to wear uniforms under regulations issued after September 1, 1954. I respectfully urge early enactment of the proposed amendment.

Section 404 of Public Law 763 requires the Director of the Bureau of the Budget to promulgate such rules and regulations as may be necessary to provide for uniform administration of title IV. We find, however, that serious inequities among Federal employees will arise if benefits should be initiated under the existing provisions of the law governing eligibility.

Section 402 of the act authorizes appropriations; where necessary and desirable, to pay benefits not exceeding \$100 per annum to any employee who is required by regulations "existing on the date of enactment" of the act or by law to wear a prescribed uniform when on official duty. In some agencies, certain employees, such as guards, fire fighters, and nurses, wear uniforms solely as a matter of custom or tradition, or under oral instruction. Such employees are not eligible for benefits, whereas employees in the same occupations in other agencies are eligible because the wearing of uniforms is prescribed by regulations "existing on the date of enactment" of the act.

I believe the law should be amended to permit agency heads to issue regulations covering, for purposes of the act, employees in any occupations where the wearing of uniforms is deemed necessary and desirable.

A more complete explanation of the need for the proposed amendment is enclosed. Since Congress has not yet made appropriations available for paying benefits, prompt amendment of the act would avoid the inequities among uniformed employees which otherwise would arise when benefits are initiated.

Sincerely yours,

PERCIVAL BRUNDAGE,
Acting Director

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CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law in which no change is proposed is shown in roman, language deleted appears in black brackets):

SEC. 402. There is hereby authorized to be appropriated annually to each agency of the Government of the United States or of the District of Columbia (including Government-owned corporations), upon a showing of the necessity or desirability thereof an amount not to exceed \$100 multiplied by the number of employees of such agency who are required by regulation [existing on the date of enactment of this Act] or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform. The head of any agency to which any such appropriation is made shall, out of funds made available by such appropriation, (1) furnish to each such employee such uniform at a cost not to exceed \$100 per annum, or (2) pay to each such employee an allowance for defraying the expenses of acquisition of such uniform at such times and in such amounts, not to exceed \$100 per annum, as may be prescribed in accordance with rules and regulations promulgated pursuant to section 404. Where the furnishing of a uniform or the payment of a uniform allowance is authorized under any other provision of law or regulation existing on the date of enactment of this Act, the head of the agency may in his discretion continue the furnishing of such uniform or the payment of such allowance under such law or regulation, but where a uniform is furnished or allowance paid under any such law or regulation no uniform shall be furnished or allowance paid under this section.

